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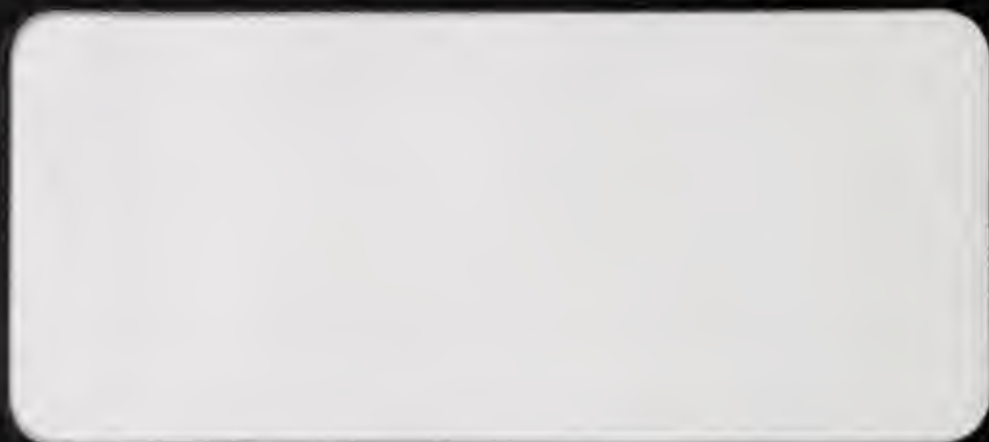
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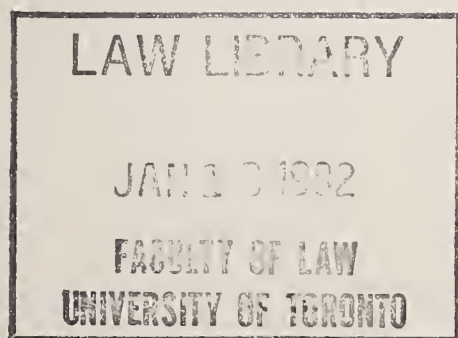
INTERNATIONAL TRADE LAW

Professor Graham

Part I

1981-82

Faculty of Law
University of Toronto



INTERNATIONAL BUSINESS
TRANSACTIONS AND ECONOMIC RELATIONS
CASES, NOTES AND MATERIALS

PREPARED

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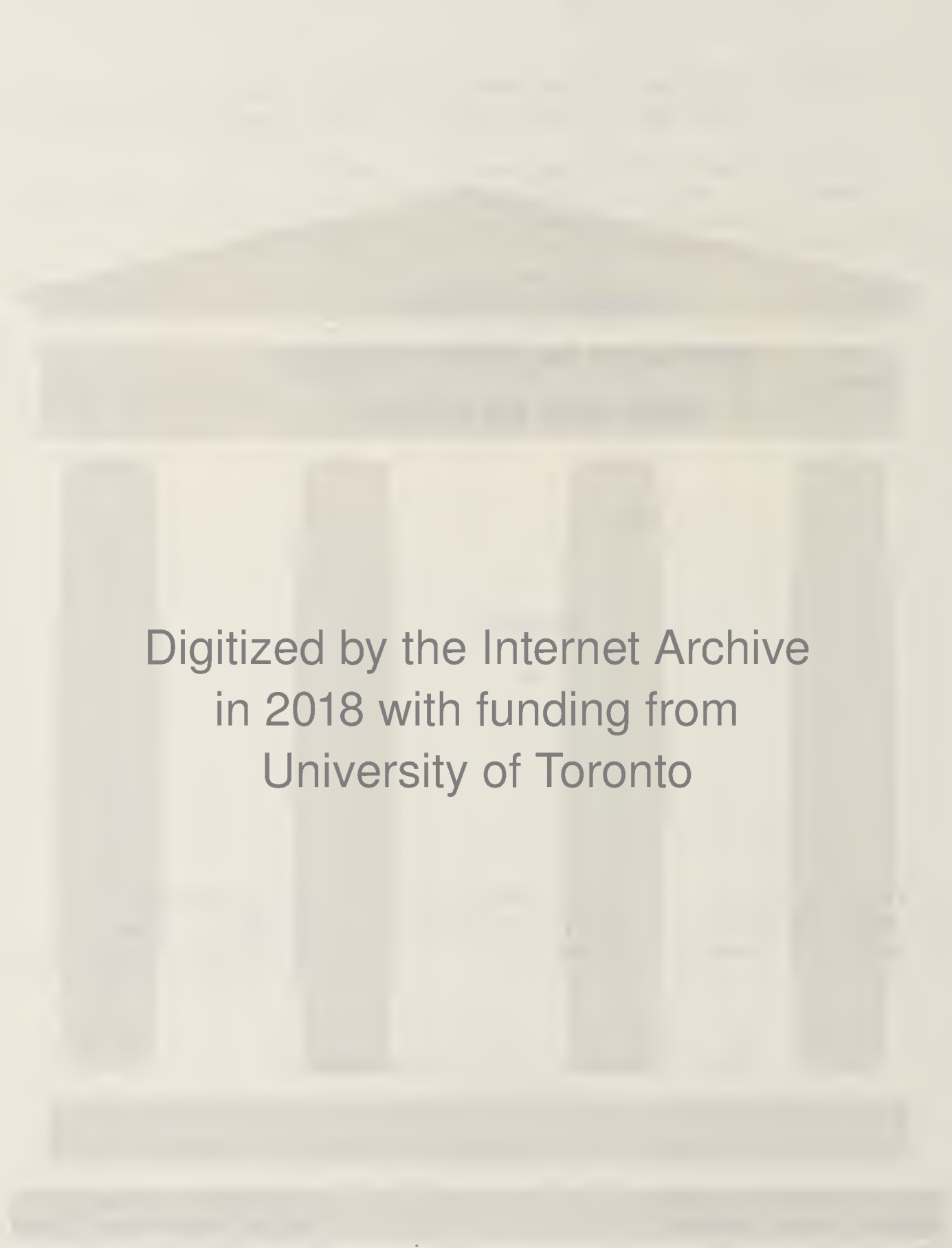
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PREFACE

This book contains a broad introduction to the most important public and private law aspects of international business transactions and economic relations. It is designed for Canadian students as it deals specifically with Canadian law and practice. However, to this Canadian perspective is often added a world perspective.

National laws and international agreements and practices are discussed in detail as they reflect underlying policies. Their study should enable students to relate the detailed rules to broader perspectives.

For a country whose political survival and economic well-being depends almost exclusively upon international trade, it is very important to formulate policies and laws that will expand Canada's exports. Yet, very few Canadian lawyers have a good understanding of the major problems and issues in world trade and of the legal techniques that have been devised to deal with them. As a result of this lack of expertise most of the legal aspects of the export business have been handled by custom brokers, insurers or bankers on behalf of their clients. Only at the litigation stage do lawyers come into the picture. It is the authors' opinion that advising clients with respect to international business transactions is an area which can still be expanded at a time where the legal profession is quite encumbered.

On the governmental and international levels, conflicts often arise when the economic policies of the various nations of the world interact in relation to trade practices. Other problems may also result from differences in economic development or from the fact that on the national level, the government may not agree with private business as to the policies that should be adopted to develop the economy. Finally, while the national policies are subject to the paramount control of a law-making body, this is not the case on the international level. Thus, special techniques must be used to secure agreement and compliance. In this complex world of international business it is very important to be well versed in a number of disciplines, such as economics and political science and areas of the law such as commercial law, conflict of laws, international law to name but a few.

Part I of the casebook contains an analysis of the role of the United Nations in the economic field and of GATT. Parts II and III are devoted to the Canadian private and public laws aspects of export and import transactions. Part III deals with the important question of settlement of international trade disputes.

The authors wish to emphasize that international business law is a very complex subject where national and international legislative texts and regulations are innumerable and extremely complicated. The case law should not be overlooked either. In this mass of material an attempt has been made to provide students with the basic documents and leading cases as illustrations only and with the clear understanding that they will endeavour to keep the material up to date as this is a very fast moving field.

Each chapter contains a selected bibliography which should be consulted as often as possible to supplement the materials found in the book.

The editors wish to thank all those who have given their permission to reproduce documents for which they hold the copyright. Finally, it should be noted that this is a provisional limited third edition as the book is needed for our students this Fall. The final edition to be available to the public, should be published on a commercial basis in the Spring of 1981.

Readers familiar with the previous student editions will note that Mr. W.C. Graham, Q.C., of the law firm Fasken and Calvin, Toronto, is one of the co-authors of this third edition. His vast experience in the field of international trade and business has been most valuable in preparing this work.

June 1980

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